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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/982,709

10/18/2001

Andrew C. Gilbert

01-1041

8648

63710 7590 04/21/2010
INNOVATION DIVISION
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK, NY 10022

EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3685

MAIL DATE

DELIVERY MODE

04/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREW C. GILBERT,
MARIANN GILBERT,
ANDREW STERGIOPOULOS, and
ANGELA STERGIOPOULOS

Appeal 2009-013992
Application 09/982,709
Technology Center 3600

Mailed: April 21, 2010

Before DALE M. SHAW, *Division 2 Support Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 18, 2009. A Docketing Notice was mailed and Appeal No. 2009-013992 was assigned on August 21, 2009. A review of the application has revealed that the application was not ready for an appeal. Accordingly, the application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

Appeal 2010-013992
Application 09/982,709

The Examiner issued an Examiner's Answer on February 24, 2009 which included New Grounds of Rejection. Appellants timely filed an Amendment dated April 24, 2009, in accordance with 37 CFR 1.111. On March 9, 2010, Appellants filed an IDS. On April 8, 2010, Appellants filed a paper entitled "Request to Redocket Pursuant TO 37 C.F.R. § 41.39 (B)(1)". This paper is being treated as a request to remand the appeal and re-open prosecution.

Accordingly, it is ORDERED that the application is remanded to the Examiner to re-open prosecution in accordance with the Appellants' Reply with Amendment, timely filed on April 24, 2009.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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NEW YORK NY 10022